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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,454	08/14/2001	Liqun Chen	B-4278PCT	9593

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Hewlett Packard Company  
Ip Administration  
3404 East Harmony Road  
Mail Stop 35  
Ft Collins, CO 80528-9599

EXAMINER
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NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/913,454

Applicant(s)

CHEN ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 and 13-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date see attached.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## OFFICE ACTION SUMMARY (CONTINUED)

### Information Disclosure Statements

May 5, 2003

May 7, 2002

April 25, 2002

August 14, 2001

### **DETAILED ACTION**

1. The preliminary amendment dated 08/14/2001 has been entered with the cancellation of claims 1 and 12 and the addition of claims 22-29. Claims 2-11 and 13-29 are pending.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because figures 1-3 and 7 have no descriptive legends. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4-5, 8, 14, 16 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Probst (6,539,480).

a) As to claims 4, 14 and 24, Probst discloses a method for verifying the configuration the computer system (Fig. 4) comprising a plurality of functional modules wherein the computer apparatus contains a trusted device adapted to respond to a user in a trusted manner, the method comprising: storing a module configuration of the computer apparatus (col. 3, lines 50-54) and the trusted device checking the actual module configuration against the stored module configuration (col. 4, lines 11-14) and inhibiting function of the computer apparatus if the actual module configuration does not satisfactorily match the stored module configuration (col. 4, lines 14-17).

b) As to claims 5 and 25, Probst discloses the trusted device is adapted to communicate securely with the stored module configuration (col. 7, lines 27-35).

c) As to claim 8, Probst discloses the step of checking of the actual module configuration comprises a crypto identification process for modules with a crypto identity (Fig. 3, element 20).

d) As to claim 16, Probst discloses the stored module configuration is stored in an encrypted form (Fig. 1, element 5).

5. Claims 18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Carbajal et al. (6,560,706).

a) As to claim 18, Carbajal discloses a method and apparatus for ensuring system boot image integrity and authenticity comprising a server having a memory and a communication interface for communicating with a user of remote computer apparatus (Fig. 2; col. 4, lines 5-11), the memory having stored therein module configurations of such remote computer apparatus wherein the service provides through the communication interface a stored module configuration to a user authorized to receive it (col. 4, lines 12-58).

b) As to claim 21, Carbajal discloses a server is invoked in order to allow modification to the module configuration of computer apparatus (Fig. 4).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3, 6-7, 9, 13, 15, 17, 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Probst (5,982,899) in view of Herzi et al. (6,353,885).

a) As to claims 2-3, 6-7, 13, 17, 23 and 26, Probst does not disclose the stored module configuration is held separately from the computing apparatus.

Herzi discloses a system and method for providing BIOS level user configuration of a computer system where the smart card contains BIOS level settings (Fig. 1, element 28). Herzi also discloses the stored module configuration is stored such that it is accessible only by a cryptographic authentication process (col. 5, lines 42-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing module configuration separately from the computing apparatus and accessing the configuration information only by a crypto authentication process as Herzi teaches in the system of Probst so as to provide a more secure and flexible use of the configuration information (col. 5, lines 8-25).

b) As to claims 9 and 27, Herzi discloses the stored module configuration is held by a remote module validation authority (col. 5, lines 61-64).

c) As to claims 15 and 22, a large portion of claim limitations is addressed in above claim 4. However, Probst does not disclose storing a module configuration on a security token.

Herzi discloses a system and method for providing BIOS level user configuration of a computer system where the smart card contains BIOS level settings (Fig. 1, element 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing module configuration on a security token as Herzi teaches in the system of Probst so as to provide a more secure and flexible use of the configuration information.

8. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Probst (5,982,899) in view of Herzi et al. (6,353,885) and further in view of Muftic (5,943,423).

Herzi discloses the module configuration is held by a remote module validation authority, however Probst and Herzi do not disclose the remote validation authority provides a service allowing a replacement security token to be provided if a security token is lost or stolen.

Muftic discloses applications of the smart card technology to computer and network access, software distribution comprising a service allowing a replacement security token to be provided if a security token is lost or stolen.



It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of replacing lost or stolen security token as Muftic teaches in the system of Probst and Herzi so as not to disrupt the smart card services.

9. Claims 10, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carbajal et al. (6,560,706) in view of Probst (5,982,899).

Carbajal discloses a server (Fig. 2, element 220) stores one or more boot images that can be used to boot managed devices over the network. However he does not disclose checking an actual module configuration against the stored module configuration in the server.

Probst discloses checking the actual module configuration against the stored module configuration (col. 4, lines 11-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to invoke the server which contains the stored module configuration in checking an actual module configuration against the stored module configuration as Probst teaches in the system of Carbajal so as to ensure system boot integrity.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carbajal et al. (6,560,706) in view of Probst (5,982,899) in view of Herzi (6,353,885) and further in view of Dolev (5,029,159).

Probst discloses the step of checking an actual module configuration against the stored module configuration, however he does not disclose involvement of security token.

Herzi discloses a system and method for providing BIOS level user configuration of a computer system where the smart card contains BIOS level settings (Fig. 1, element 28).

Carbajal, Probst and Herzi do not disclose the server is invoked in the event of loss of the security token.

Dolev discloses the concept of designate a leader terminal having responsibility for maintenance of a token and for regeneration of a lost or altered token. Figure 3 is a flow diagram illustrating the procedure of the invention for selecting a leader terminal which is invoked in response to token loss.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of invoking the server in the event of loss of the security token as Dolev teaches in the system of Carbajal, Probst and Herzi so as not to disrupt the token services.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

  
mdn  
12/12/04

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

  
Andrew Caldwell